Remarks

Entry of the above-noted amendments, reconsideration of the application, and allowance of all claims pending are respectfully requested. By this amendment, claim 1 is amended. These amendments to the claims constitute a bona fide attempt by applicants to advance prosecution of the application and obtain allowance of certain claims, and are in no way meant to acquiesce to the substance of the rejections. Support for the amendments can be found throughout the specification (e.g., paragraphs 9, 31-33), figures (e.g., FIG. 1), and claims and thus, no new matter has been added. Claims 1-10 are pending with claims 3-7 and 9 being withdrawn from consideration.

Claim Rejections - 35 U.S.C. § 102

Claims 1-2 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Mukherjee et al. (U.S. Patent No. 6,792,208; "Mukherjee"). Claims 1, 8, and 10 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Watanabe et al. (U.S. Patent No. 6,701,088; "Watanabe"). These rejections are respectfully, but most strenuously, traversed.

Applicants respectfully submit that the Office Action's citations to the applied references, with or without modification or combination, assuming, *arguendo*, that the modification or combination of the Office Action's citations to the applied references is proper, do not teach or suggest the second processing module comprising the memory adapted to store secondary resources including data packets to be added to primary resources, as recited in applicants' independent claim 1.

For explanatory purposes, applicants discuss herein one or more differences between the claimed invention and the Office Action's citations to Mukherjee and Watanabe. This discussion, however, is in no way meant to acquiesce in any characterization that one or more

6   LUC-707 / Q104303

parts of the Office Action's citations to Mukherjee or Watanabe correspond to the claimed invention.

Mukherjee (FIG. 2; col. 4, line 65 to col. 5, line 9) discloses the hierarchical optical switch 200. The switch comprises a fiber switch, waveband switch, wavelength switch, and sub-wavelength grooming switch. Mukherjee makes no mention of a second processing module that comprises a memory adapted to store secondary resources. Mukherjee fails to disclose the second processing module comprising the memory adapted to store secondary resources including data packets to be added to primary resources.

Accordingly, the Office Action's citation to Mukherjee fails to satisfy at least one of the limitations recited in applicants' independent claim 1.

Watanabe (FIG. 4; col. 4, lines 33-51) discloses the IP packet routing part 16 and the optical path switching part 14. Watanabe makes no mention of a second processing module that comprises a memory adapted to store secondary resources. Watanabe fails to disclose the second processing module comprising the memory adapted to store secondary resources including data packets to be added to primary resources.

Accordingly, the Office Action's citation to Watanabe fails to satisfy at least one of the limitations recited in applicants' independent claim 1.

For all the reasons presented above with reference to claim 1, claim 1 is believed neither anticipated nor obvious over the art of record. The corresponding dependent claims are believed allowable for the same reasons as independent claim 1, as well as for their own additional characterizations.

Withdrawal of the § 102 rejections is therefore respectfully requested.

7   LUC-707 / Q104303

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested.   If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney or agent.

Respectfully submitted,

Bradley H. Valenzo
Agent for Applicants
Reg. No. 64,873

Dated: August 17, 2009

Carmen Patti Law Group, LLC
Customer Number 47382